

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 20292 PERMIT 13607 LICENSE 7990

**ORDER CORRECTING DESCRIPTION OF POINTS OF DIVERSION AND
LOCATIONS OF RESERVOIRS AND ISSUANCE OF SEPARATE LICENSES
AND REVOCATION OF ORIGINAL LICENSE**

WHEREAS:

1. License 7990 was issued to Leo E. Flood and Nelle O. Flood and was recorded with the County Recorder of Glenn County in Book 499, Page 404 on April 12, 1967.
2. License 7990 was subsequently assigned to Leo E. Flood and Nelle O. Flood Trust, c/o Marjorie Murphy, Trustee on January 18, 1995.
3. A portion of the place of use was purchased by Nita W. Connelly in January 1994 which contains three of the ten reservoirs under License 7990. The three reservoirs are No. (1), (3), and (6). The seven remaining reservoirs Nos. (2), (4), (5), (7), (8), (9) and (10), will remain under the ownership of Leo E. Flood and Nelle O. Flood Trust.
4. The State Water Resources Control Board (SWRCB) staff determined the description for Points of Diversion (2), (4), (5), (6), (7), (8), and (10) and the location of Reservoirs (1) through (5), (7), (8), (9) and (10) should be corrected to agree with the 1967 & 1973 photoinspected U.S. Geological Survey Maps (7.5') - Newville & Sehorn Creek.
5. A request for issuance of separate licenses to cover licensees' respective use has been filed with the SWRCB and said SWRCB has determined that good cause for such change has been shown.
6. The license condition pertaining to the SWRCB's continuing authority should be updated to conform with the current Section 780(a), Title 23, of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED:

1. The descriptions for points of diversion (2), (4), (5), (6), (7), (8), and (10) be corrected to read as follows:
 - (2) North 2,200 feet and West 1,300 feet from SE corner of Section 2, T22N, R6W, MDB&M, being within NW¼ of SE¼ of said Section 2, also described as California Coordinate System, Zone 2, N 167,250 and E 1,859,550.

- (4) North 1,800 feet and West 100 feet from SE corner of Section 2, T22N, R6W, MDB&M, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 2, also described as California Coordinate System, Zone 2, N 166,700 and E 1,860,750.
 - (5) North 1,800 and East 400 feet from SW corner of Section 1, T22N, R6W, MDB&M, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 1, also described as California Coordinate System, Zone 2, N 166,700 and E 1,861,250.
 - (6) South 1,850 feet and West 2,400 feet from NE corner of Section 1, T22N, R6W, MDB&M, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 1, also described as California Coordinate System, Zone 2, N 168,400 and E 1,863,700.
 - (7) North 300 feet and West 2,600 feet from SE corner of Section 1, T22N, R6W, MDB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 1, also described as California Coordinate System, Zone 2, N 165,050 and E 1,863,300.
 - (8) South 1,700 feet and West 3,100 feet from NE corner of Section 12, T22N, R6W, MDB&M, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 12, also described as California Coordinate System, Zone 2, N 163,150 and E 1,863,050.
 - (10) South 500 feet and West 1,000 feet from NE corner of Section 3, T22N, R6W, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 3, also described as California Coordinate System, Zone 2, N 169,750 and E 1,854,700.
2. The descriptions for the the locations of Reservoirs No. (1) through (5), (7), (8), and (10) be corrected to read as follows:
- Reservoir (1) located within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 2,
 - Reservoir (2) located within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2,
 - Reservoir (3) located within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 2,
 - Reservoir (4) located within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2,
 - Reservoir (5) located within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1,
 - Reservoir (7) located within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1, and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12; and,
 - Reservoir (8) located within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12, all being within T22N, R6W, MDB&M; and
 - Reservoir (9) located within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 2, T22N, R6W, MDB&M.
 - Reservoir (10) located within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3, T22N, R6W, MDB&M, and within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34, T23N, R6W, MDB&M.

License 7990 (Application 20292)

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3. License 7990 be replaced by License 7990A and 7990B.
4. Superseded License 7990 is hereby revoked upon issuance of License 7990A issued to Leo E. Flood and Nelle O. Flood Trust and License 7990B issued to Nita W. Connelly.
5. Separate licenses be issued as follows:

A. License: 7990A (Application 20292A)

Owner: Leo E. Flood and Nelle O. Flood Trust
c/o Marjorie Murphy
P.O. Box 408
Paskenta, CA 96074

Source: 7 Unnamed Streams tributary to North Fork
Stony Creek thence Stony Creek thence
Sacramento River in Glenn County

Use: Stockwatering and Recreation

Amount: 53.04 acre-feet per annum

Season: December 1 to March 1

Points of
Diversion: (2) North 2,200 feet and West 1,300 feet from
SE corner of Section 2, T22N, R6W, MDB&M, being
within NW¼ of SE¼ of said Section 2, also
described as California Coordinate System
Zone 2, N 167,250 and E, 1, 859,550.

(4) North 1,800 feet and West 100 feet from SE
corner of Section 2, T22N, R6W, MDB&M, within
NE¼ of SE¼ of said Section 2, also described as
California Coordinate System Zone 2, N 166,700
and E 1,860,750.

(5) North 1,800 feet and East 400 feet from SW
corner of Section 1, T22N, R6W, MDB&M, being
within NW¼ of SW¼ of said Section 1, also
described as California Coordinate System
Zone 2, N 166,700 and E 1,861,250.

(7) North 300 feet and West 2,600 feet from SE
corner of Section 1, T22N, R6W, MDB&M, being
within SE¼ of SW¼ of said Section 1, also
described as California Coordinate System
Zone 2, N 1,650,050, and E 1,863,300.

(8) South 1,700 feet and West 3,100 feet from
NE corner of Section 12, T22N, R6W, MDB&M,
being within SE¼ of NW¼ of said Section 12,
also described as California Coordinate System
Zone 2, N 163,150 and E 1,863,050.

(9) South 200 feet and West 2,000 from E $\frac{1}{4}$ corner of Section 2, T22N, R6W, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 2, also described as California Coordinate System Zone 2, N 167,400 and E 1,858,900.

(10) South 500 feet and West 1,000 feet from NE corner of Section 3, T22N, R6W, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 3, also described as California Coordinate System Zone 2, N 169,750 and E 1,854,700.

Place of
Use:

All reservoirs are located on Assessor's Parcel No.: 027-140-0170, 027-140-0160, 027-140-0089, 027-140-0069 and 027-140-0010.

Reservoir (2) is located within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2, T22N, R6W, MDB&M.

Reservoir (4) is located within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2, T22N, R6W, MDB&M.

Reservoir (5) is located within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1, T22N, R6W, MDB&M.

Reservoir (7) is located within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1, and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12, T22N, R6W, MDB&M.

Reservoir (8) is located within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12, T22N, R6W, MDB&M.

Reservoir (9) is located within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 2, T22N, R6W, MDB&M.

Reservoir (10) is located within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3, T22N, R6W, MDB&M, and within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34, T23N, R6W, MDB&M, as shown on a map on file with the SWRCB.

B. License:

7990B (Application 20292B)
Nita W. Connelly
3800 County Road 200
Orland, CA 95963

Source: 3 Unnamed Streams tributary to North Fork Stony Creek thence Stony Creek thence Sacramento River in Glenn County

Use: Irrigation

Amount: 14.1 acre-feet per annum

Season: December 1 to March 1

Points of
Diversion:

(1) South 2,400 feet and West 1,500 feet from NE corner of Section 2, T22N, R6W, MDB&M, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 2, also described as California Coordinate System Zone 2, N 167,900 and E 1,859,350.

(3) South 2,400 feet and West 600 feet from NE corner of Section 2, T22N, R6W, MDB&M, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 2, also described as California Coordinate System Zone 2, N 167,800 and E 1,859,400.

(6) South 1,850 feet and West 2,400 feet from NE corner of Section 1, T22N, R6W, MDB&M, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 1, also described as California Coordinate System Zone 2, N 168,400 and E 1,863,700.

Place of
Use:

All reservoirs are located within Assessor's Parcel No.: 027-140-0020 and 027-140-0180.

Reservoir (1) is located within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 2, T22N, R6W, MDB&M.

Reservoir (3) is located within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 2, T22N, R6W, MDB&M.

Reservoir (6) is located within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1, T22N, R6W, MDB&M, as shown on map on file with the SWRCB.

6. The existing continuing authority condition in License 7990 be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source.

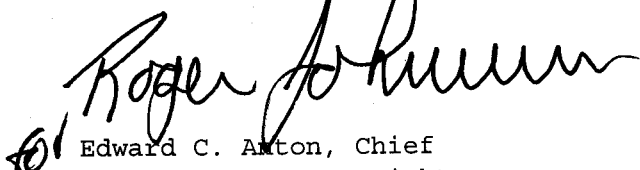
Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

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7. License 7990A and 7990B shall contain all other terms and conditions presently in License 7990 or updated terms to reflect for compliance with the SWRCB's policy.

Dated: MARCH 27 1998


Edward C. Anton, Chief
Division of Water rights



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 20292

PERMIT 13607

LICENSE 7990

THIS IS TO CERTIFY, That

Leo E. Flood and Nelle O. Flood
Star Route, Box 39
Orland, California

(over)

have made proof as of June 16, 1966,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
ten unnamed streams in Glenn County

tributary to North Fork Stony Creek thence Stony Creek thence Sacramento River

for the purpose of stockwatering and recreational uses
under Permit 13607 of the Board and that the right to the use of this water has been perfected in
accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of
this right dates from July 6, 1961 and that the amount of water to which this right is
entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall
not exceed sixty-seven and fourteen-hundredths (67.14) acre-feet per annum to be
collected from about December 1 of each year to about March 1 of the succeeding
year as follows:

Reservoir (1)	4.6	acre-feet	Reservoir (6)	7.1	acre-feet
Reservoir (2)	0.54	acre-feet	Reservoir (7)	7.6	acre-feet
Reservoir (3)	2.4	acre-feet	Reservoir (8)	5.4	acre-feet
Reservoir (4)	4.4	acre-feet	Reservoir (9)	2.7	acre-feet
Reservoir (5)	10.7	acre-feet	Reservoir (10)	21.7	acre-feet

Licensee's right hereunder extends only to water necessary to keep the reservoirs
full by replacing water beneficially used or lost by evaporation and seepage, and
to refill if emptied for necessary maintenance or repair.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

- (1) South 2,400 feet and west 1,500 feet from NE corner of Section 2, T22N, R6W, MDB&M, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 2.
- (2) North 1,800 feet and west 1,400 feet from SE corner of Section 2, T22N, R6W, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 2.
- (3) South 2,400 feet and west 600 feet from NE corner of Section 2, T22N, R6W, MDB&M, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 2.
- (4) South 900 feet and west 200 feet from E $\frac{1}{4}$ corner of Section 2, T22N, R6W, MDB&M, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 2.
- (5) North 1,800 feet and east 500 feet from SW corner of Section 1, T22N, R6W, MDB&M, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 1.
- (6) South 1,400 feet and west 2,400 feet from NE corner of Section 1, T22N, R6W, MDB&M, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 1.
- (7) North 100 feet and west 2,700 feet from SE corner of Section 1, T22N, R6W, MDB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 1.
- (8) South 1,100 feet and west 3,100 feet from NE corner of Section 12, T22N, R6W, MDB&M, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 12.
- (9) South 200 feet and west 2,000 feet from E $\frac{1}{4}$ corner of Section 2, T22N, R6W, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 2.
- (10) South 400 feet and west 1,600 feet from NE corner of Section 3, T22N, R6W, MDB&M, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 3.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Reservoirs (1) through (5) are located respectively, entirely within the same 40-acre
subdivisions as the points of diversion described above.
Reservoir (6) is located within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ and SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1, T22N, R6W, MDB&M.
Reservoir (7) is located within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1 and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12,
T22N, R6W, MDB&M.
Reservoir (8) is located within E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 12, T22N, R6W, MDB&M.
Reservoir (9) is located within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2, T22N, R6W, MDB&M.
Reservoir (10) is located within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3, T22N, R6W, MDB&M
and within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34, T23N, R6W, MDB&M.

Licensee shall maintain outlet pipes of adequate capacity in his dams as near as practicable to the bottom of the natural stream channels, or provide other means satisfactory to the State Water Rights Board, in order that water entering the reservoirs or collected in the reservoirs during and after the current storage season may be released into the downstream channels to the extent necessary to satisfy the downstream prior rights and/or to the extent that appropriation of said water is not authorized under this right.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: APR 10 1967

L. K. Hill
Executive Officer

1-4-82 Name of Leo Flood Chgd to Leo Flood Trust

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